BRITISH COLUMBIA

MOTOR CARRIER COMMISSION

Annual Report 2001/02

Pursuant to Section 37 of the *Motor Carrier Act*

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ANNUAL REPORT OF THE

Motor Carrier Commission

62nd Annual Report
Covering the Licence Year ended
February 28, 2002

Pursuant to Section 37
of the *Motor Carrier Act*

Victoria, British Columbia

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June 28, 2002

To Her Honour the Lieutenant Governor in Council
of the Province of British Columbia

May it please Your Honour:

I respectfully transmit herewith the 62nd Annual Report, pursuant to section 37 of the *Motor Carrier Act*, covering the motor carrier licensing year ended February 28, 2002.

Claude G. Heywood, Chair

Table of Contents

Introduction	1
Motor Carrier Commission	2
2001/02 Highlights	3
Legislative and Regulatory Changes	5
Licensed Motor Carriers	6
Temporary Permits	8
Revenues	9
Commission Decisions and Orders	10
Commission Goals	11
2001/02 Performance	12
Looking Ahead	19
Appendix 1 Commissioners	20
Appendix 2 Commission Staff	21
Appendix 3 Amendments to the Motor Carrier Act and Regulations	22
Appendix 4 Orders Signed in 2001/02	23
Appendix 5 Reconsideration Orders Signed In 2001/02	30

INTRODUCTION

The Motor Carrier Commission licenses commercial passenger transportation services pursuant to the *Motor Carrier Act*. This Annual Report is prepared in accordance with the legislative requirements of the *Motor Carrier Act*, and outlines the major activities of the Commission in the 2001/02 licensing year.

The 2001/02 licensing year began March 1, 2001, and ended February 28, 2002. All information is presented according to the licensing year with the exception of the Commission's operating budget that is reported on a fiscal year basis, that is, April 1, 2001, until March 31, 2002.

This Annual Report is organized to reference performance objectives and measurements that were established in the Commission Performance Plan covering 2001/02 to 2003/04. It sets out information and events that are within the mandate of the Motor Carrier Commission and its operational scope. These include functions such as licensing decisions, public hearing processes, and policy development. They also include the Commission's monitoring and management of services performed by ICBC under delegated authority to help the Commission administer the *Motor Carrier Act*.

MOTOR CARRIER COMMISSION

Mandate

The Motor Carrier Commission is an independent adjudicative body that administers the *Motor Carrier Act* and licenses motor carriers such as taxis, limousines and buses (excluding transit buses) that transport passengers for compensation in British Columbia.

Section 39(1) of the *Motor Carrier Act* vests the Commission with the duty to:

- promote adequate and efficient service to the public at just and reasonable charges;
- promote safety on the public highways; and
- foster sound economic conditions in the transportation industry.

Section 39(2) enables the Commission to make investigations, inquiries, regulations and orders to meet the above objectives. The Commission also licenses extra-provincial motor carriers (usually buses) under delegated authority from the federal government in accordance with the *Motor Vehicle Transport Act (1987)* of Canada.

Structure

The Commission is comprised of a Chair, Deputy Chair and Commissioners, all of whom serve on a part-time basis. Commissioners make decisions on licences, permits, licence suspensions and cancellations and other matters relating to motor carrier operations. They also formulate policies relating to the motor carrier industry. The Commission maintains a small office and staff in Victoria, and a Special Assistant to the Chair in Burnaby. The following organizational chart provides an overview:

The Commission was accountable to the Minister of Transportation (formerly the Minister of Transportation and Highways). Names of Commissioners are provided in Appendix 1, and names of Commission staff are provided in Appendix 2.

Operations

The Insurance Corporation of British Columbia (ICBC) helps the Commission carry out its mandate by providing compliance, enforcement, licensing and administrative services. The provision of these services has been formalized in a memorandum of understanding (MOU) between ICBC and the Commission. For the most part, ICBC's Motor Carrier Department is the operational arm of the Commission and deals directly with licensed and prospective motor carriers. In addition, some motor carrier services are provided by ICBC through its Regional Operations and Compliance Operations, including its weigh scales and National Safety Code office.

2001/02 HIGHLIGHTS

In 2001/02, the Commission continued with its revitalization efforts that commenced in the two previous years. Major undertakings, developments and issues included:

Licensing of Municipal Taxis As a result of amendments made to the *Motor Carrier Act* in 2000, the Commission's mandate was expanded to include the licensing of taxis and limousines that had operated exclusively within a single municipality. Formerly, these operations did not require motor carrier licensing. As of March 15, 2001, all commercial taxis in British Columbia were required to have a motor carrier licence. The Commission developed policies, procedures and forms to facilitate the licensing of these carriers.

Enhanced Reconsideration Process Amendments to the *Motor Carrier Act*, effective March 1st, 2001, eliminated an administrative step in the reconsideration process, expanded the grounds for reconsideration, and enabled all Commissioners to decide reconsideration matters. In 2001/02, the Commission changed its reconsideration policies, procedures and forms according to the new legislation.

Core Services Review In August 2001, the provincial government announced its Administrative Justice Project (AJP) to undertake a core services review of administrative justice agencies in British Columbia. The review aimed to ensure that:

- administrative agencies in British Columbia meet the needs of the people they serve;
- administrative processes are open and transparent;
- agency mandates are modern and relevant; and
- government fulfils its obligations by providing the legislative and policy framework that administrative agencies need to carry out their mandates in an independent and effective manner.

The Motor Carrier Commission is included in the Administrative Justice Project. A review of the Commission mandate and administrative processes began in 2001 and it is anticipated that results will be known in the last half of 2002.

Taxi Advisory Committee The Taxi Advisory Committee (TAC) has representatives from industry, persons with disabilities, seniors, ICBC, WCB, the Vancouver Airport Authority, the Union of BC Municipalities, as well as the Commission. In 2001/02, it continued to address the priority issues of fare structure increases, driver and vehicle safety, and service standards. Additional matters raised by TAC members included: vehicle inspections; implementation of accessible vehicle regulations; operation of unlicensed vehicles; and vehicle identification. TAC members also participated in, and provided comment on, the Commission's study of taxi supply in the Lower Mainland.

Taxi Supply The Commission reviewed its 1998 moratorium on taxi applications in the Lower Mainland and undertook a broader consultation and study on the supply of taxis in the Lower Mainland to identify the key issues and factors. To these ends, the Commission engaged consultants Bonnie Evans and John Webb to undertake a literature review, consult with key stakeholders and prepare a report to the Commission to summarize the results of their work. In December 2001, *An Examination of the Taxi Supply*

in the Lower Mainland was released and posted at the Commission web site. The Commission will use the results of this study to inform its decision on the moratorium on taxi applications in the Lower Mainland[1].

Bus Industry Advisory Committee The Commission's Bus Industry Advisory Committee developed a number of streamlining recommendations to give industry more flexibility in their business operations and reduce unnecessary processes and requirements. Many of the recommendations were adopted and implemented by the Commission. These included such things as extending the late renewal deadline by four months, enabling carriers to vary the size of their fleet from one year to the next, and reducing the objection period for additional vehicle applications. Of the recommendations that were implemented by the Commission, most were applied generally for the benefit of all motor carriers. Further, a subcommittee reviewed the issue of "carrier fitness" with respect to the licensing of carriers to operate commercial passenger vehicles in British Columbia. Since September 2001, the Bus Industry Advisory Committee has been inactive pending the outcomes of the government's core services review respecting the regulation of buses in British Columbia. The Commission expects to reconvene the Bus Industry Advisory Committee in 2002/2003.

Limousine Forum The Motor Carrier Commission met with representatives from the limousine industry in Burnaby on September 19, 2001. The industry was represented by those who responded to the Commission's open invitation to attend the Limousine Forum. The issues raised by industry centred on rates and enforcement.

Key Policy Developments Through hearings and policy plenaries, major policy issues for the Commission in 2001/02 included shared rides, sedan limousines and the supply of taxis in Lower Mainland. As well, the Commission finalized the first edition of its policies and procedures manual. Copies can be viewed and printed from the Commission web site.

Communications Enhancements The Commission expanded the type of information available at the Commission web site and reorganized the site to make it easier for users to find the information they want. The Commission also published an information sheet on the Commission Hearing Process to help people understand what will happen at a hearing and what will be expected of them.

The contents of this annual report provide more detailed information about the Commission's administration of the *Motor Carrier Act* and key accomplishments and events in 2001/02.

[1] The moratorium was lifted in May 2002—after the period covered by this annual report.

LEGISLATIVE AND REGULATORY CHANGES

No new legislation or regulations were initiated in 2001/02. However, the reconsideration and municipal taxi sections of the *Motor Carrier Amendment Act, 2000*[2], were brought into force by regulation. As well, two minor housekeeping changes were made, one to the *Motor Carrier Act* and the other to BC Reg. 252/94.

The new reconsideration process came into force on March 1, 2001, and the Commission undertook a transition from the "old" process to the "new" process. Under the old reconsideration process, the final Order for an Application for Leave for Reconsideration was issued on August 31, 2001. (The "leave for reconsideration" step was eliminated by the new legislation.) Also, under the old process, the final Reconsideration Order was issued on September 7, 2001.

As of March 15, 2001, all commercial taxi operators required a provincial motor carrier licence. That is, taxis and limousines that had operated exclusively within one municipality were no longer exempt from provincial taxi regulation.

These changes originated with recommendations in "A study of the Taxi Industry in British Columbia", which had been commissioned by the Minister of Transportation and Highways in 1998.

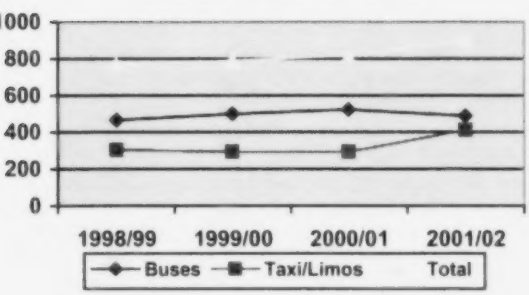
Details of these legislative and regulatory changes in 2001/02 are set out in Appendix 3.

[2] Passed in June 2000.

LICENSED MOTOR CARRIERS

Overall, the number of licensed passenger motor carriers increased by 10%—from 815 in 2000/01 to 899 in 2001/02.

Passenger Motor Carrier Licences

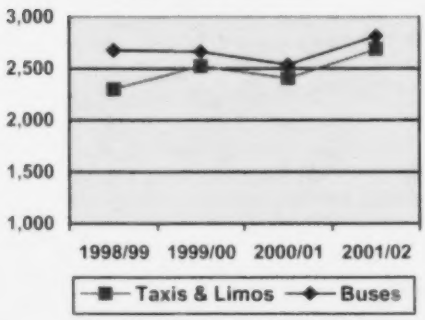


The number of licensed bus companies[3] declined by 6.5% to 488, while the number of licensed taxi and limousine companies jumped by 118 or 40% to 411. Of this total, 308 were taxi companies and 103 were limousine companies[4].

The number of passenger vehicles operated in 2001/02 under a passenger motor carrier licence increased by 15%—from 4,711 to 5,405.

The number of buses operated under a motor carrier licence increased by 17% from 2,308 to 2,719. The number of taxis and limousines operated under a passenger motor carrier licence increased by 12% over the previous year—from 2,403 to 2,686. Of this total, 2,315 were taxis and 371 were limousines. The following chart shows the trends over the past four licensing years:

Passenger Vehicles Operated Under A Motor Carrier Licence



Generally, the number of licensed passenger transportation companies and vehicles increased in 2001/2002. This trend may be explained by several factors.

First, the exemption was eliminated for taxis and limousines operating exclusively in one municipality. As reported in the previous annual report, 13 companies and 31 vehicles met the conditions for an expedited motor carrier licence. Other municipal operators obtained a licence through the regular application process.

Second, inactive companies and certificates were not cancelled through the Commission's "bulk show cause" hearing process as done every year or two. Therefore, any natural attrition in the industry is not reflected in the statistics that appear in this annual report.

[3] The word "companies" is used in this report to mean any entity (including individuals) that operate a commercial passenger transportation service.

[4] This is the first annual report in which taxi and limousine statistics are presented separately.

Third, the Commission introduced more flexibility in the renewal of certificates by enabling companies to allow up to 10% of their certificates to lapse without losing access to those certificates in future years. This would decrease the number of certificates that are renewed. As the new policy was announced later in the 2001/02 licensing year, there may be little or no effect on the number of certificates renewed until future licensing years.

Finally, non-regulatory factors, such as industry responses to public need for transportation services, contribute to the number of vehicles in operation.

Overall, the bus and limousine industries appear to be growing in British Columbia. Yet given the factors set out above, the growth rate may not be as pronounced as this year's statistics might suggest. Further, there appears to be some consolidation within the bus industry as there are fewer bus companies that are operating more buses.

TEMPORARY PERMITS

Part 10 of the *Motor Carrier Regulations* enables the Commission to issue temporary permits instead of, or as an adjunct to, motor carrier licences. Temporary permits may authorize seasonal, emergency or occasional operation of scheduled buses or commercial passenger vehicles. The following summarizes the number of permits issued in Burnaby in the past two licensing years:

Temporary Permits Issued:	2000/01	2001/02
Permits (Fee required)	322	473
Free Permits	34	63
Total	**356**	**536**

In previous annual reports, the number of permits reported did not include the actual number of permits issued at weigh scales and regional offices. The following is a more detailed report for 2001/02 only:

Temporary Permits Issued:	ICBC/MCD Burnaby	ICBC Regional	Totals
Permits (Fee required)	63	3	66
Free Permits	473	129	602
Total	**536**	**132**	**668**

REVENUES

A total of $664,830 was paid into General Revenue in 2001/02. This is an increase of almost 14% over the $585,530 in the previous year. The increase coincides with a 15% increase in the number of vehicles and a 10% increase in the number of licensed passenger transportation companies. Revenues for 2001/02 are broken down as follows:

Fees	2000/01	2001/02
Licensing Fees	$471,100[5]	$505,600[6]
Filing Fees	64,400	55,500
Temp. Permits	11,700	71,840
Replacements[7]	8,050	13,050
Hearings		16,900[8]
Miscellaneous	30,280	1,940[9]
Total	**$585,530**	**$664,830**

Fees for temporary permits showed the largest jump in 2001/02. In previous annual reports, revenue data were restricted to fees collected by the Motor Carrier Department in Burnaby. Previous reports included estimates of revenues collected by regional offices and weigh scales, although it is apparent this year that those past estimates were understated. The breakdown for temporary permits in 2001/02 is as follows: $29,290 at the Motor Carrier Department in Burnaby, $25,400 at Weigh Scales around the province, $13,625 at Appointed Agent offices, and $3,525 at Government Agent offices.

Revenues collected at Appointed Agent and Government Agent offices include search and photocopy fees. However, these amounts are not significant for reporting purposes.

The following chart provides an estimated break down[10] of licensing fees by type of licence.

Types of Licence	2000/01	2001/02
Buses	$230,800	$254,344
Taxi/Limos	240,300	251,256
Taxis only		216,552
Limos only		34,704
Total	**$471,100**	**$505,600**

[5] Includes $700 for fees collected for late renewals.

[6] Includes $55,900 for fees collected for late renewals.

[7] Replacement fees include duplicate Conditions of Licences, decals, plates and certificates.

[8] Hearings fees were included in the miscellaneous category in previous reports.

[9] Includes photocopy fees, map sales and search fees only.

[10] The breakdown of licensing fees is estimated by dividing total licensing fees by percentage of total certificates renewed that year.

COMMISSION DECISIONS AND ORDERS

Most Commission decisions are based on a review of an application, the application file, and a recommendation by the Motor Carrier Department. In some cases, after an investigation, the Department provides a written report to the Commission. In fewer instances, a public hearing is conducted.

When a decision is based on a decision at an administrative review meeting of the Commission and Department, or by a file review by the Commission (which includes a review of the Department's written report and recommendation) the outcome is communicated to the applicant through a decision letter. Any relevant Commission memos or Inspector reports are attached to the letter. The decision is published in the *Green Sheets*.

In cases where a public hearing precedes the Commission decision, the decision is incorporated into an Order that typically contains detailed written reasons. These Orders are sent to the parties of record, and a summary is published in the *Green Sheets*. Orders are posted in full at the Commission web site. The Commission considers all applications on their own merit and particular fact situations. Although the Commission strives for consistency in the decisions it makes, past Orders are not binding on the Commission.

In the 2001/02 licensing year, the Commission issued 59 Orders as set out in the table below. Most Orders dealt with licence applications.

Orders	2000/01	2001/02
Commission Orders	19	50
Reconsideration:		
♦ Application for Leave	12	6
♦ Reconsideration Orders (Old Process)	3	1
♦ Reconsideration Orders (New Process)	n/a	2
Total	**34**	**59**

Appendix 4 sets out summaries and excerpts of key orders issued by the Commission in the 2001/02 licensing year.[11]

[11] Based on date issued rather than date published in the Green Sheets.

COMMISSION GOALS

The Commission has the following goals:

1. Fair and Timely Decisions

Provide fair and timely consideration and adjudication of issues arising under the Motor Carrier Act.

2. Meeting the Objectives of the *Motor Carrier Act*

Provide efficient, cooperative, responsive and timely services in administering and enforcing the Motor Carrier Act.

3. Stakeholder Cooperation to Enhance Motor Carrier Regulation

Work cooperatively with industry, the public and other transportation interests to enhance the regulation of motor carriers in British Columbia.

2001/02 PERFORMANCE

The previous section of this report sets out the Commission goals. The goals serve as the basis for the performance measures that are set out in the Performance Plan that the Commission published in April 2001. As well, key motor carrier events and accomplishments of 2001/02 are organized around these goals and performance measures.

1. Fair and Timely Decisions

Provide fair and timely consideration and adjudication of issues arising under the *Motor Carrier Act.*

Measure 1.1: Efficient, Effective and Independent Tribunal Governance

Motor Carrier Service Standards The Commission and the Insurance Corporation of British Columbia (ICBC) continued to follow the Memorandum of Understanding that they established in previous licensing years. The delineation of responsibilities and standards is key to ensuring the administration of the Commission mandate as set out in the *Motor Carrier Act.* The Commission and ICBC will conduct a routine review of the MOU and services standards in 2002/03.

Code of Conduct The Commission Code of Conduct remains in effect. The Code of Conduct is a declaration that Commissioners will conduct themselves in a manner that is impartial, fair and within the scope of their duties and jurisdiction as a Commissioner.

Collaboration with Other Tribunals The Chair of the Commission participated in meetings of the Circle of Chairs which comprises chairs of British Columbia tribunals to share information and discuss issues of common interest. As well, Commission staff continue to hold memberships with the British Columbia Council of Administrative Tribunals.

Provincial Educational Conference A Commission staff member attended the 6th Annual Education Conference of the British Columbia Council of Administrative Tribunals (BCCAT). The topics of the seminars and workshops included: six "New Era" government projects of importance to tribunals; roundtable discussions on regulatory and economic issues; dispute resolution as a case management tool; stakeholder views of administrative tribunals; and the Administrative Justice Project.

Budget Performance Commission expenditures for the 2001/02 fiscal year were within the allocated budget. The following chart compares budgeted and actual expenditures.

2001/02 Budget vs. Actual	Budget	Actual
Salaries & Benefits:	$304,000	$254,464
Operating Costs:	328,000	327,536
Recoveries:	(1,000)	0
Total	**$631,000**	**$582,000**

The Commission's budget in 2001/02 represented a portion of that year's budget for the Ministry of Transportation.

Measure 1.2: Fairness and Consistency in Commission Decisions

Consolidation and Publication of Policies and Procedures Early in 2001/02, the Commission published a manual that consolidates many of its policies and procedures into a single guide. Electronic copies are accessible and printable from the Commission web site. The manual was developed to promote greater consistency in Commission decisions, make the licensing process more transparent, and to give applicants and licensed carriers better information about their obligations and Commission expectations.

Enhanced Decision Writing Early in 2001/02, the Commission hired a consultant, John Hall, to facilitate an advanced workshop on writing decisions and orders. As a result of the workshop, the Commission updated the format of its Orders. The intent was to make Commission decisions more concise, clear and "reader friendly."

Continued Access to Written Reasons Since August 2000, the Commission has posted licensing and reconsideration Orders at the Commission web site. As well, the Commission adopted the practice of drafting a memo where its decision at a file review differs from a written recommendation that is made by the Motor Carrier Department. The memo is shared with the applicant to explain the rationale for the Commission's decision.

Most application decisions are made at an administrative review meeting of the Department and Commission. Many decisions are made to grant a licence at this stage, and a brief explanation of the Commission's rationale is set out in a minute for that decision. These minutes are forwarded to the applicant.

Measure 1.3: Timely Decisions by the Commission

The following table shows the number of applications that were published in the *Green Sheets* in the 2001/02 licensing year:

Licence Applications (Published)	2000/01	2001/02
New Licence	85	94
Alteration	145	129
Time Schedule	20	15
Tariff	68	42
Total	**318**	**280**

An application backlog developed in 2000/01 but was not repeated in 2001/02. This may be attributed to a 12% decline in applications and to internal streamlining measures adopted in 2001/02 and the previous two years.

In 2001/02, there was a significant increase in the number of applications that proceeded to a public hearing[12]. The following table shows the number of public hearings that were conducted in recent licensing years[13]:

Public Hearings	1999/00	2000/01	2001/02
Licence Application	4	12	53
Review Hearings	2	1	2
Show Cause Hearings	1	0	0
Old Reconsideration Process (Oral)	7	3	1
New Reconsideration Process (Written)	n/a	n/a	2
New Reconsideration Process (Oral)	n/a	n/a	0
Total	**14**	**16**	**58**

[12] Based on date issued rather than date published in the Green Sheets.

[13] Please note that an addition error for 2000/01 appears in the 2000/01 Annual Report.

The increase in hearings may be attributed to a combination of various factors:

- *Significant Policy Issues.* Sedan limousines in the Lower Mainland is one example. Many limousine operators in the Lower Mainland applied for authority to operate limousines that can carry up to four or five passengers. Taxi companies often objected to these applications. Another example is shared ride services. In April 2001, the Commission conducted seven days of hearings into an application to provide a shared ride van service in the Lower Mainland.

- *Impacts of Legislative Changes.* A number of hearings related to applications from former municipal taxi and limousine operators to continue operating, often with an expanded area of service.

- *Competing Applications.* The Commission received a number of similar applications in one area; for example, wine tours in the Okanagan Valley. If the Commission receives a number of similar applications, it may hold consecutive public hearings to determine whether there is a need for one or more of the proposed services.

New Streamlining Measures In 2001/02, the Commission adopted several streamlining recommendations of the Bus Industry Advisory Committee. This included reduction in the "posting period" or "objection period" for additional vehicle applications to 14 days from the standard 21 days. The Commission adopted a target of making additional vehicle decisions within 30 days of the posting date. Since adopting the 14-day posting period, the Commission has achieved this target.

The Commission increased its scrutiny of objections to ensure that applications are not delayed due to insubstantial or unsubstantiated objections.

The Commission also waived the normal application requirements for a time schedule change that is forced by a change in ferry or train schedule with which the bus service connects.

Written Reconsiderations The new reconsideration legislation took effect on March 1, 2001. The legislation eliminated the "application for leave for reconsideration" step and enabled written reconsiderations. Commissioners noted that the new process takes less time in total, but that there is room to further shorten the process prior to the final deadline for submissions. Therefore, for 2002/03, the Commission is considering some refinements to streamline the new written reconsideration process.

Monitoring Decision Timelines The Commission has initiated a process to monitor timelines for its decisions. Results will be made available when the information is complete.

Commission Meetings The Commission met as a whole five times in 2001/02.

2. Meeting the Objectives of the *Motor Carrier Act*

Provide efficient, cooperative, responsive and timely services in administering and enforcing the *Motor Carrier Act*.

Measure 2.1: Accessible Information, Documents and Forms

Restructure MCC Web Site Rapid growth of the web site led to a general re-organization in 2001/02 so that pertinent information can be accessed quickly.

Information Sheets The Commission produced a 4-page Information Sheet on the Licence Hearing Process. It also produced an information sheet titled "Hiring a Limousine," and it updated information about Licence Districts.

Posting of Legislation and Regulations With BC statutes and regulations available at the Queens Printer web site, links were added to the Commission web site which provide direct access to a site to read or print a recent copy of the *Motor Carrier Act* and the *Motor Carrier Regulations*.

Green Sheets Enhancements The Commission will improve the organization and design of the Commission's weekly bulletin, the *Green Sheets*, in 2002/03.

Distribution of Green Sheets The Commission's weekly industry bulletin, the *Green Sheets*, continues be posted at the Commission web site. The *Green Sheets* include a summary of applications, decisions and other motor carrier matters. ICBC also continues to use established outlets such as Driver Services Centres and Appointed Agents offices to distribute the *Green Sheets*. Independently, the BC Trucking Association distributes *the Green Sheets* on a subscription basis.

Ongoing Use of Notices to Industry In an effort to keep the industry and public up to date on current motor carrier issues and developments, the Commission continued its practices of issuing Notices to Industry in the 2001/2002 licensing year. In this year, the following Notices were distributed with the *Green Sheets*:

- Web Site Enhancements
- Implementation of Streamlining Recommendations
- Report on Taxi Supply in the Lower Mainland
- Limousine Forum--Commission Follow Up
- Moratorium on Taxis in the Lower Mainland - Annual Review
- Publication of Commission Policies and Procedures Manual

Maintain Current Web Site The Commission web site is located at: http://www.th.gov.bc.ca/mcc/mcc.htm. The development of the web site began in April 2000. In less than two years, the site has evolved into a central repository for current Commission information, publications and forms. In 2001/02, several key documents were added to the site, including the Commission Policies and Procedures Manual.

Monitor Web Site Usage Statistics show that the monthly average number of documents or web pages downloaded in the last three months of 2001/02 increased by 118% over the last three months of the previous licensing year.

MCC Web Site Pages & Documents	2000/01	2001/02
Home Page	762	1,243
Green Sheets	719	1,758
Notices to Industry	467	339
Forms	238	702
Orders	112	428
Policies & Legislation	n/a	225
Other	3	324
Total	**2,301**	**5,019**

Usage of the web site continues to grow at a significant rate, and the *Green Sheets* has emerged as the primary focus of web site users. These weekly bulletins inform industry and the public of motor carrier regulatory and licensing developments.

Email Access to the Commission The Commission's generic email address is: motorcarriercommission@gems8.gov.bc.ca Commission staff respond to incoming emails.

Measure 2.2: Streamlined Application Process

Review Signature Requirements In the previous licensing year, 2000/01, the Commission initiated a review of legal requirements of signatures on key forms, including its application form. This review was to ensure that signatures were requested only where required. It was found that original, authorized signatures are required on forms that are used to obtain or alter a motor carrier authority. The Commission still plans to, in 2002/03, expand the review to other forms and documents used by the Commission.

Taxi Rate Increaes A subcommittee of the Taxi Advisory Committee is reviewing objective indices that may be used to assess fare increases for the taxi industry. An announcement on the results of this work is expected in 2002.

Quick Initial Decisions on Applications Preliminary statistics indicate that routine applications without objections are decided in an average of 7 days after the 21-day objection period has concluded. This is consistent with the target of making an immediate decision within 7 days of receiving a complete file.

Measure 2.3: Regulatory Reform

In 2001/2002, the Commission concluded the implementation of the *Motor Carrier Amendment Act, 2000*; namely, the elimination of the municipal taxi exemption and integration of the Reconsideration Panel with the Commission as a whole. It moved forward with the adoption of many of the recommended streamlining policies that were proposed by the Commission's Bus Industry Advisory Committee. The Commission also promulgated new policies with respect to shared ride applications and sedan limousines. It moved closer to its objective to clarify an approach to determine the supply of taxis and review its moratorium on taxi applications in the Lower Mainland.

Finally, in the last half of 2001/02, the provincial government, through its Administrative Justice Project, began a core services review of the Commission and future regulatory directions for the passenger transportation industry. While the Commission took a business-as-usual

approach in its administration of the *Motor Carrier Act*, Commission plans to review its regulations and streamline processes were delayed and will likely be subsumed by the broader government initiatives.

Measure 2.4: Compliance & Safety

Most enforcement activities are undertaken by ICBC's Motor Carrier Inspectors and Commercial Transport Inspectors throughout the province. They are assisted with roadside checks by Area Vehicle Inspectors and local Police Officers, and by Carrier Safety Inspectors who perform interviews and audits under the National Safety Code (NSC). All of ICBC's Compliance Operations Inspectors are fully trained and qualified to perform mechanical inspections to Commercial Vehicle Safety Alliance (CVSA) standards. The following tables (compiled by ICBC) provide a summary of compliance and enforcement initiatives relating to the *Motor Carrier Act*.

Compliance Activities by Motor Carrier Department (March 2001 – February 2002)

Type of Compliance Activity	Actions
Peace Officer Queries	154
Cease & Desist Letters	74
Motor Carrier Audits Completed	4
Violation Tickets Issued	6
Notices and Orders Issued	17
On Road Enforcement	6
Complaints Closed	242
General Enquiries Closed	65

Motor Carrier Vehicle Checks by ICBC Regional Compliance Staff (2001)

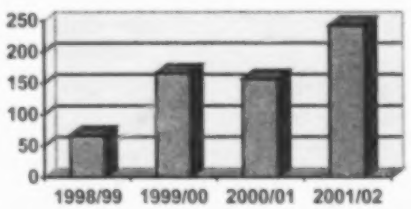
Type of Motor Carrier	Vehicle Checks
Taxis	868
Limousines	106
Buses	1068
Total	**2042**

Motor Carrier Enforcement Actions by ICBC Regional Compliance Staff (2001)

Type of Enforcement Action	Actions
Notices and Orders Issued	191
Violation Tickets Issued	60
CVSA Reports Completed	989
Total	**1240**

Complaints Industry and the public may register a complaint about non-compliance with the Motor Carrier Department. The number of new complaints increased significantly to 224 in 2001/02 from 157 the previous year.

Complaints



The Transit strike in the Lower Mainland in the summer of 2001 (and the increased use of other commercial passenger transportation) was the main factor for the spike in the number of complaints.

Show Cause Procedures The Commission established show cause policies and

procedures to guide ICBC Inspectors and Investigators in the identification of potential candidates for a show cause hearing to cancel a motor carrier licence, and to assist them in the gathering of relevant evidence.

Industry Specific Enforcement Programs The Commission has continued to work with ICBC and the Motor Carrier Department with respect to enforcement and compliance challenges that are of concern to the industry and the Commission. The Commission participated on the ICBC Tour Bus Working Group and advocated for ICBC to consider developing a compliance plan that is tailored specifically to the unique structure and operational patterns within the tour bus industry.

Dovetail MCC & NSC Audits The Commission met with ICBC's Motor Carrier Department and National Safety Code Manager to promote compatible motor carrier and NSC audit process to prevent duplicate processes and waste.

Info Sheets on Complaint Process The Commission is committed to the completion, in 2002/03, of an Information Sheet on how to register a complaint.

Review of Compliance Services The next meeting of the Commission and ICBC to review ICBC services and standard is set for the first half of 2002/03.

Bulk Show Cause Hearings The Commission prepared to conduct a bulk show cause hearing in the first half of 2002/03 to cancel the licences of inactive motor carriers.

3. Stakeholder Cooperation to Enhance Motor Carrier Regulation

Work cooperatively with industry, the public and other transportation interests to enhance the regulation of motor carriers in British Columbia.

Measure 3.1: Cooperation with industry and public stakeholders

Industry Advisory Committees The Commission convened the Taxi Advisory Committee three times in 2001/02, including a driver safety subcommittee meeting. The Commission convened the bus industry advisory committee four times in 2001/02, including one working group meeting. The Bus Industry Advisory Committee stood down pending the outcomes of the provincial government's Administrative Justice Project with regard to the core services review of the Motor Carrier Commission.

Limousine Forum The Motor Carrier Commission met with representatives from the limousine industry in Burnaby on September 19, 2001. The industry was represented by those who responded to the Commission's open invitation to attend the Limousine Forum. The issues raised by industry centred around rates and enforcement. The limousine industry was invited to approach the Commission if it wants to proceed with any further consultations. Representatives of the Limousine Industry did not approach the Commission in 2001/02.

Consultations on Taxi Supply The Commission reviewed its December 1999 moratorium on taxi applications in the Lower Mainland and undertook a broader

consultation and study on the supply of taxis in the Lower Mainland to identify the key issues and factors. To these ends, the Commission engaged transportation consultants Bonnie Evans and John Webb to undertake a literature review, consult with key stakeholders and prepare a report to the Commission to summarize the results of their work. In December 2001, *An Examination of the Taxi Supply in the Lower Mainland* was released and posted at the Commission web site. The Commission will use the results of this study to inform its decision on the moratorium on taxi applications in the Lower Mainland.

Consultation Updates at Web Site In 2000/01, the Commission published a Notice to Industry regarding its consultation activities with the taxi, bus and limousine industry. In 2001/02, highlights of discussions at the Limousine Forum were posted at the Commission web site.

Measure 3.2: Cooperation with the Minister responsible for the Motor Carrier Commission

The Commission is an administrative tribunal that operates independently from government. It reports to the Legislature through the Minister responsible for the Motor Carrier Commission who, in 2001/02 was the Minister of Transportation. The Chair of the Commission, as requested, provides highlights regarding Commission operations to the Minister. Specific adjudicative matters that are before the Commission are not discussed with the Minister.

In 2001/02, the Commission continued to work cooperatively with the Minister and Ministry to promote understanding of its unique role and relationship as an independent tribunal. This was particularly important with the changes in government, Minister and Deputy Minister. In this way, the Commission and Ministry have maintained co-operation on matters such as communications, budget administration, human resources and other administrative matters such as the reorganization of the Commission filing system.

Measure 3.3: Cooperation with ICBC and other Government Bodies and Agencies

ICBC Tour Bus Working Group The Commission continued its contributions to the working group established by the Insurance Corporation of British Columbia (ICBC) to review the business practices and regulatory framework for tour bus companies that operate in British Columbia.

LOOKING AHEAD

The Commission anticipates another active year in 2002/2003. The following is a summary of key activities that are expected:

- Government direction on the mandate of the Motor Carrier Commission and motor carrier regulation in British Columbia.
- Implementation of an objective measure for assessing taxi rate increases.
- Further refinements to the reconsideration process
- Revised licence application package
- Publication of more information sheets, one of which will be on the complaint process

APPENDIX 1 COMMISSIONERS

The Commission consists of not less than seven persons appointed by the Lieutenant Governor in Council. Commission members at the beginning of the 2001/2002 licensing year (March 1, 2001) were:

Claude G. Heywood, Chair
John Hooper, Deputy Chair
Ranjiet Bhimji
Kashmir Dhaliwal
Peter Knittel
Mary Martin
Barrie Sanford
Paul Starek
Gail Davidson

Kashmir Dhaliwal resigned as of July 1, 2001. He was not replaced in 2001/02.

APPENDIX 2 COMMISSION STAFF

The Commission functions with four full-time staff working out of its office in Victoria.

Jan Broocke	Director and Secretary to the Commission
Michael McGee	Policy and Adjudicative Services Coordinator
Lisa James	Registrar for Commission hearings and reconsiderations
Sharlene Ferguson	Research and Administrative Coordinator

Sharlene Ferguson left the Motor Carrier Commission for another position in government. For the last seven months of the licensing year, Janice Olson performed the duties of Research and Administrative Coordinator as an auxiliary.

The Commission also uses the services of a part-time Special Assistant to the Chair who works out of an office adjacent to the Motor Carrier Department in Burnaby. Mert Rowden fulfils this role by providing technical expertise and experience in motor carrier matters to the Commission.

APPENDIX 3 AMENDMENTS TO THE MOTOR CARRIER ACT AND REGULATIONS

The following table is a 2001/02 chronology of amendments to *the Motor Carrier Act* and *Regulations*.

Effective	Statute or Regulation	Purpose / Subject Matter
March 1, 2001	*BC Reg 25/01*	Bring into force sections 3, 4, 5(a) & 7 of the *Motor Carrier Amendment Act, 2000*, to eliminate the Reconsideration Panel, integrate Reconsideration Panel members with the Commission as a whole, and to streamline the reconsideration process. Add Part 4.1 (Reconsiderations), repeal section 27, and amend Schedule 2 (Security Costs) of BC Reg 252/94.
March 15, 2001	*BC Reg 309/2000*	Repeal of section 2.1 of BC Reg 252/94.
November 1, 2001	*BC Reg 258/01*	Housekeeping amendment to section 58 of the *Motor Carrier Act*, retroactive to April 21, 1997.

APPENDIX 4 ORDERS SIGNED IN 2001/02

The following summaries of Commission orders relate to a decision on a motor carrier licence application. The summaries are provided for convenience and reference purposes only. The full orders and any applicable Conditions of Licence should be obtained to determine what authority the Commission has granted, granted in part or refused. Complete orders are posted at the Commission web site.

Order	Applicant	Date Signed

07 – 01 AMENDING—Alouette Transit Systems (Taxi Tariff Application) **March 21, 2001**

Amendment to Order 02-01.

08 – 01 Aeronca Bus Company Ltd **March 30, 2001**

Decision: Grant in part
Application for a new commercial passenger licence with one certificate to operate a chartered bus service from the City of Vancouver to points within 160 road kilometres. *The Commission granted the application with a restriction to the operation of a historical bus and a restriction related to the control and ownership of the licence.*

09 – 01 Aleta Charmaine McDonald **April 23, 2001**

Decision: Grant
Application for a new commercial passenger licence with one certificate to operate specified sightseeing tours from Kamloops for individual fares.

10 – 01 Thompson Valley Charters Ltd (AV2659/99) **April 23, 2001**

Decision: Grant (as amended by the applicant)
Following an agreement between the applicant and objector, the applicant withdrew the application except for a request to reduce the minimum carrying capacity from 41 passengers. The applicant requested an alteration of the commercial passenger licence to reduce the minimum carrying capacity to 18 passengers.

11 – 01 Thompson Valley Charters Ltd (AV712/00) **May 2, 2001**

Decision: Grant (subject to restrictions agreed to by the applicant)
Application for an alteration of the commercial passenger licence to add nine additional certificates.

12 – 01 Capital Region Taxi Owners Association **May 23, 2001**

Decision: Grant
Tariff application for an 8.33% increase in rates made on behalf of 94 licensed carriers operating taxi services in Greater Victoria.

13 – 01 The Vancouver Trolley Company (1996) Ltd **May 25, 2001**

Decision: Grant in part
Following an amendment made by the applicant, the application sought the alteration of an existing commercial passenger licence to add a new tour, revise the tariff, change the vehicle seating capacities, and add five new certificates. *The Commission granted the new tour and tariff, granted two additional certificates and altered the seating capacity to allow the operation of a smaller 26-passenger bus.*

14 – 01 EasyLINK Shuttle Inc **June 19, 2001**

Decision: Refuse
Application for a commercial passenger licence with 100 certificates to operate a shared ride passenger transportation service in the Lower Mainland. Decision 14-01 concludes as follows:

> Shared rides will probably be one of the future innovations in passenger transportation. As this is a new concept for this area, it is important that the first major licence granted by the Commission have a high probability of success. Otherwise, the whole concept will be tainted with failure. There is significant risk to the public, municipalities and transportation providers in granting a licence for a service that may not be implemented as described, or may cease after only a few years of operation.
>
> EasyLINK has not satisfied the Commission that the extensive service it proposes will be viable. Finally, because of the vagueness of the actual implementation plan, the Commission has concerns that it could operate only in "premium" markets and, therefore, result in destructive competition with other carriers. For these reasons, the Commission refuses the application.

15 – 01 Skyline Tours Ltd **June 25, 2001**

Decision: Refuse
Application to alter an extra-provincial commercial passenger licence to add three extra certificates and allow charter trips under contract from the Vancouver International Airport to any point in British Columbia and return to transport Korean tourists booked by specific Korean travel companies.

16 – 01 Abbotsford Airport Shuttle Service Ltd **June 28, 2001**

Decision: Grant in part
Application to alter a commercial passenger licence by decreasing the minimum carrying capacity of vehicles from eight to seven passengers, adding three new clauses to increase the area of service, and adding two additional certificates. *The Commission reduced the minimum carrying capacity to seven passengers, allowed some increases in the area or service, and added two certificates.*

17 – 01 Adri Shoman Hamael **June 25, 2001**

Decision: Grant
Application for a new commercial passenger licence with two certificates to provide luxury commercial passenger transportation within 40 road kilometres of Vancouver City Hall, and which is not of a taxicab nature.

18 – 01 Igor Dolgov **July 9, 2001**

Decision: Refuse
Application for a new commercial passenger licence with three certificates to operate a limousine service within five licence districts in the Lower Mainland area.

19 – 01 Robert Tibbets (dba Black Tie Limo) **July 19, 2001**

Decision: Grant in part
Application made for a new commercial passenger licence with three certificates to provide a limousine service in part of the Lower Mainland. *The Commission granted the licence with three certificates to operate a charter service in a specified portion of Licence District 14 using vehicles manufactured as a passenger limousine with a carrying capacity of at least six passengers and not more than ten passengers. A one hour minimum charge is required.*

20 – 01 Peter Siew (dba Richport Limo) **July 19, 2001**

Decision: Grant in part
Application made for a new commercial passenger licence to provide a limousine service using five vehicles that would originate in Vancouver and points within 100 road kilometres to points within British Columbia or to any boundary of the province and return with the same person or group of people if arranged for on the same charter. *The Commission granted an alteration to the commercial passenger licence to allow the provision of a charter service*

using up to four vehicles manufactured as passenger limousines (with maximum carrying capacity of six to ten passengers) and up to one window van (with carrying capacity of ten passengers). A one hour minimum charge is required.

See Amending Order 38-01.

21 – 01 Griffin Transportation Service Inc July 19, 2001

Decisions: Applications 493/00 (Grant in part) & T494/00 (Approve)
Application made to expand the authority currently held to allow the use of luxury vans and to revise the tariff to include rates for different types of vehicles. *The Commission granted an alteration to the commercial passenger licence to allow the provision of a limousine service using vehicles manufactured as a passenger limousine or window van vehicle (with maximum carrying capacity of six to ten passengers). The Commission granted the tariff application.*

22 – 01 David Keith Christensen July 19, 2001

Decision: Grant in part
Application made for a new commercial passenger licence with one vehicle to provide a limousine service originating from the Vancouver International Airport to various named communities in the Lower Mainland and southern interior of the province. *The Commission granted a commercial passenger licence to provide only a commercial vehicle passenger service with a Lincoln Sport Utility vehicle (with a carrying capacity of six passengers). A one hour minimum charge is required.*

23 – 01 Vancouver Limousine Service Inc July 27, 2001

Decisions: Applications 1525/00 (Grant in part) & T1531/00 (Approved subject to revision)
Application made for the alteration of an existing commercial passenger licence (for providing a limousine service originating in Burnaby) to increase the service area, delete a vintage car restriction, change the seating capacity restriction, and add five new certificates. A tariff change application was also made. *The Commission granted three additional certificates, limited the service area to the lower Fraser Valley and Vancouver Island, removed the vintage vehicle restriction, and allowed the operation of up to two sedan limousines as part of the applicant's overall fleet.*

24 – 01 Custom Limousine Services Inc July 27, 2001

Decisions: Applications 573/00 (Grant) & T574/00 (Approve with revision)
Application made for the alteration of an existing commercial passenger licence by adding licence district 9A, adding one additional certificate, amending the carrying capacity of two vehicles (to allow the operation of sedan limousines) and revising the tariff.

25 – 01 Wayne Arthur Martlin July 27, 2001

Decisions: Application 1217/00 (Grant) & T1300/00 (Approve with revision)
Application made for the alteration of an existing commercial passenger licence to add two new clauses allowing the operation of one sedan limousine, add one additional certificate and revise the tariff. *The Commission approved the tariff application subject to a $65 hourly charge and minimum charge of one hour for the sedan limousine.*

26 – 01 Vlasta Molnar July 27, 2001

Decision: Grant
Application made for a new commercial passenger licence with one certificate to provide a limousine service with a Rolls Royce with a carrying capacity of four passengers in the Lower Mainland.

27 – 01 MTL Limousine Service Inc July 27, 2001

Decision: Refuse
Application made for a new commercial passenger licence with five certificates to provide a limousine service based in Vancouver.

28 – 01 Peter Bo Jensen **July 27, 2001**

Decision: Refuse
Two applications made. In total, the applicant sought to alter a commercial passenger licence by adding three certificates, enlarging the operating territory and allowing the operation of sedan limousines.

29 – 01 Paramount Limousine Service Ltd **July 27, 2001**

Decision: Grant in part
Application to alter a commercial passenger licence by expanding the area of service, adding four additional certificates and allowing the operation of sedan limousines. The following excerpts are taken from Order 29-01:

> Evidence at this hearing leads the Commission to find that there is demand for sedan type limousine service. Corporate clients and tourists are expressing a preference for these types of vehicles, and do not want the opulent appearance of a stretch limousine, nor do they want a taxi, but rather an indistinct but luxurious sedan. Most major North American cities have sedan limousine service available to the travelling public. In addition, there is strong growth in sedan use and purchase by transportation providers.
>
> ...the Commission must seek some means to distinguish "sedan" limousines from ordinary sedans. One way to do this to include a minimum wheelbase specification for these vehicles.
>
> ...the Commission must take a cautious approach to the introduction of this innovative service.
>
> ...there should be specific references to vehicle make as these services must be seen to be distinct from taxi services.
>
> While the Commission, by approval of this application, licences what are referred to as Sedan Limousines with a minimum carrying capacity of four passengers and a maximum carrying capacity of of five passengers exclusive of the driver, in a licence district which encompasses the City of Vancouver. The licensee is on notice that the City of Vancouver Vehicle for hire By-Law does not, at this time, recognize this class of vehicles as one which is approved for use carrying passengers for hire.

The Commission granted two additional certificates and authority to operate two sedan limousines. The Commission also expanded the area of service.

30 – 01 Chancellor Coach Lines Inc **July 27, 2001**

Decision: Refuse
Application made for the alteration of the existing commercial passenger licence to add Whistler as a point of origination, to change the carrying capacity from twenty-two to a minimum of twenty and a maximum of twenty-eight, and to remove the requirement for lavatory facilities.

31 – 01 Helen Fosnaugh **July 31, 2001**

Decision: Grant in part
Application made for a new commercial passenger licence to provide individual fare service from an area both north and south of the Fraser River to the Vancouver International airport, the Via Rail depot, the Tsawwassen ferry terminal and the Vancouver cruise ship terminals and vice versa. Two certificates were requested to operate two vehicles with a carrying capacity of six to eleven passengers. *The Commission granted a commercial passenger licence to operate one vehicle with the requested carrying capacity.*

32 – 01 Star Limousine Service Ltd **August 8, 2001**

Decision: Grant in part
Application made for the alteration of an existing commercial passenger licence to reduce the minimum carrying capacity of the vehicles and allow the operation of sedan limousines. *The Commission allowed the applicant to use up to six of its 23 certificates to operate sedan limousines with the reduced carrying capacity.*

33 – 01 City View Water Taxi Ltd August 10, 2001

Decision: Refuse
Application made for a new commercial passenger licence to provide a land taxi and tour service in Kelowna.

34 – 01 Trendtham Group Enterprises (dba Star Taxi) August 10, 2001

Decision: Grant in part
Application by a municipal taxi operator for new commercial passenger licence to provide a taxi service in Kelowna. *The Commission granted 11 of the 21 certificates that were requested.*

35 – 01 Checkmate Cabs (1981) Ltd August 10, 2001

Decision: Grant in Part
Application to operate 12 additional commercial passenger vehicles to expand the company's taxi service in Kelowna. *The Commission granted certificates to operate an additional five vehicles only.*

36 – 01 Pearl International Limousine Service Ltd August 15, 2001

Decisions: Applications 1942/00 (Grant in part) & T2032/00 (Approve with revision)
Application to alter the Conditions of Licence to operate commercial passenger vehicles as sedan limousines and a luxury van, add a total of two additional certificates, and extend the area of service. *The Commission granted one additional certificate; allowed the operation of up to two sedan limousines and up to one luxury van; and allowed an extension of the service area to include the transportation of people from Licence Districts 9A, 14, 14A and 15 to the British Columbia/United States boarder. With regard to the tariff application the Commission prescribed a sedan limousine tariff of $65 yet otherwise accepted the applicant's tariff.*

37 – 01 Sunshine Cabs Limited August 20, 2001

Decision: Refuse
Application to alter an existing commercial passenger licence by extending the authority to provide shared ride services from the North Shore to the Vancouver Airport.

38 – 01 AMENDING— Peter Siew (dba Richport Limo) August 29, 2001

Amendment to Order 20-01.

39 – 01 Big Valley Tours Ltd September 4, 2001

Decision: Refuse
Application for a new commercial passenger licence to operate one vehicle to provide individual fare tours from Kelowna and West Bank to golf courses, wineries or ski hills, and to provide charter services in the same area.

41 – 01 Patricia Ann Tetreau September 4, 2001

Decision: Grant
Application to alter a commercial passenger licence to expand the area of service to include Districts 6 (Vernon-Sicamous-Revelstoke) and 7 (Kamloops-Clearwater); add six tours; increase the carrying capacity of vehicles; and add one certificate.

42 – 01 Sean Frazer Large (dba Sun Peaks Taxi) September 5, 2001

Decision: Grant
Application for a new commercial passenger licence to provide a one-vehicle taxi service with the vehicle based at the Sun Peaks Resort, to carry passengers within the resort and to and from the City of Kamloops.

See Amending Order 45-01.

43 – 01 Winds & Rivers Escapes Ltd **September 10, 2001**

Decision: Grant in part
Application for a new commercial passenger licence to operate one vehicle based in Vernon to provide three types of services: individual-fare sightseeing and exploration tours in the Vernon and Kelowna area; individual-fare shuttle services between the Vernon area and Silver Star Mountain; and charter-fare services from Vernon and Kelowna to points within 150 road kilometres and return. *The Commission granted a licence with one certificate, yet narrowed the services that the applicant may provide, particularly with regard to one of the tours and open charter authority.*

44 – 01 Orange Holdings Ltd **October 29, 2001**

Decision: Grant in part
Application for a new commercial passenger licence to operate three vehicles to provide a small bus type service that would originate charter trip service in Whistler and the Lower Mainland area and carry passengers to points within British Columbia as well as any boundary of the Province while engaged in an extra-provincial undertaking. *The Commission granted the new licence with authority to operate three vehicles. The authority is limited in several ways including: charter trips only; originating any point within 30 road kilometres of the boundaries of the City of Vancouver.*

45 – 01 AMENDING—Sean Frazer Large (Sun Peaks Taxi) **September 4, 2001**

Amendment to Order 42-01.

46 – 01 Waylella Ventures Ltd **December 3, 2001**

Decision: Grant
Application for a new commercial passenger licence to provide a one-vehicle camping holiday for up to 5 persons, exclusive the driver, in a 1985 Vanguard Motor Home—picking up passengers from an airport or transportation base between Nanaimo airport and Port Hardy and transporting them anywhere on Vancouver Island and adjacent islands.

47 – 01 Atwater Cabs (1978) Ltd (Review Hearing) **December 11, 2001**

Decision: Grant in Part
The applicant had a commercial passenger licence to operate two vehicles to provide an airporter service to and from the Campbell River Airport and to provide charter services for airline passengers and crew between Campbell River and Courtenay or Port Hardy Airports. Application to expand the authority to operate three additional vehicles to operate two new types of transportation services: a taxi service picking up people in Campbell River and a charter bus/limousine service in Campbell River. *The Commission granted the portion of the application relating to a charter bus service, including one additional certificate. The provision of a taxi service was refused.*

48 – 01 Care-A-Van Services Ltd **October 29, 2001**

Decision: Grant
Application for a commercial passenger licence to provide charter trips targeted at seniors and persons with disabilities living in the Cowichan Valley.

01 – 02 Jagjit Singh Gill **January 16, 2002**

Decision: Refuse
Application for a new commercial passenger licence with five certificates to operate as a taxi service in Fort Nelson.

02 – 02 Ronnie Stephen Hill **January 16, 2002**

Decision: Refuse
Application for a new commercial passenger licence with four certificates to operate as a taxi service in Fort Nelson.

03 – 02 Paul Krolak (dba Comfort Taxi) January 18, 2002

Decision: Refuse
Application for a new commercial passenger licence with one certificate to operate a taxi service originating within the City of Kelowna. The applicant previously operated a taxi under the exemption from the *Motor Carrier Act* for "municipal taxis" that no longer exists.

04 – 02 City & Country Taxi Services Ltd January 18, 2002

Decision: Grant in part
The company has managerial control of 77 certificates for commercial passenger vehicles doing business as Empress Taxi in Victoria. City & Country applied for the addition of 13 certificates, 3 of which are for wheelchair accessible vehicles. *The Commission approved 6 additional certificates, 3 of which must be assigned to vehicles capable of handling wheelchair passengers.*

05 – 02 Champion Cabs & Communications Ltd January 18, 2002

Decision: Refuse
Application to transfer the commercial passenger licence of Trevor John Kaiser to Champion Cabs & Communications Ltd., and for the alteration of the licence to establish uniform Conditions of Licence for the two licences.

06 – 02 Corporate Pacific Limousine Service Ltd January 21, 2002

Decision: Grant in part
Application to expand the commercial passenger (limousine) service outside of Richmond municipality. *The Commission allowed only a portion of the expanded area that the applicant had applied for.*

07 – 02 Islandlink Bus Services Ltd February 22, 2002

Decision: Refuse
Application for additional scheduled bus authority between Nanaimo, Courtenay and Comox—to serve the Departure Bay Ferry Terminal.

APPENDIX 5 RECONSIDERATION ORDERS SIGNED IN 2001/02

The following summaries of reconsideration orders relate to the Commission's reconsideration of a decision that it made previously. The summaries are provided for convenience and reference purposes only. The full reconsideration orders and any applicable Conditions of Licence should be obtained to determine the full impact of any reconsideration on a previous licensing decision. The complete text of each reconsideration order is posted at the Commission web site.

Order	Applicant	Date Signed

REB-00 Gerald George Smith September 11, 2001

Reconsideration Outcome: Confirmation of original refusal
In October 2000, the Commission had refused Mr. Smith's application to expand his area of service to include the City of Penticton and the surrounding area. Mr. Smith subsequently requested reconsideration under section 54(1)(b) of the *Motor Carrier Act* on grounds that the original decision was inconsistent with the principles expressed or implied in the *Motor Carrier Act*.

RR1/02 Claudia Jean Schalm January 29, 2002

Reconsideration Outcome: Confirmation of original refusal
On May 3, 2001, the Commission refused Ms. Schalm's application for a commercial passenger vehicle licence to provide a taxi service in Williams Lake. Ms. Schalm subsequently requested reconsideration under section 54(1)(b) of the *Motor Carrier Act* on grounds that the original decision was inconsistent the objects of section 39(1) of the *Motor Carrier Act* or the Regulations. The following excerpts are taken from reconsideration Order RR102:

> The Motor Carrier Department's investigation report recommended refusal because the applicant did not demonstrate that the existing carriers were not meeting the community's need. The report also covered the certificates of support, and from reading this report as well as the certificates themselves, my observation is that the demonstration of support was not overwhelming.
>
> It does not appear that safety was an issue in this decision...
>
> The investigation report's rationale speaks to the object of promoting a healthy transportation industry and I support these comments....
>
> After reviewing the record of decision, I find nothing to substantiate the claim that the decision was inconsistent with the objects of the Act. I also find that the record indicated that the objects of the act were addressed.

RR2/02 Igor Dolgov **January 29, 2002**

Reconsideration Outcome: Confirmation of original refusal
On July 9, 2001, the Commission rendered Order 18-01 that refused Mr. Dolgov's application for a new commercial passenger vehicle licence to operate a limousine service in the Lower Mainland and Whistler. Mr. Dolgov subsequently requested reconsideration under section 54(1)(a) and (b) of the *Motor Carrier Act*, although the reconsideration proceeded under 54(1)(b) only—on grounds that the original decision was inconsistent the objects of section 39(1) of the *Motor Carrier Act* or the Regulations. The following are excerpts from reconsideration Order RR2/02:

> The key points that I must address in this reconsideration are whether the panel addressed its mind to the objects of the act in its decision making process and if the law and commission policies were properly applied. If these issues are answered in the affirmative, then the reconsideration will fail.
>
> In any application before the Commission, it is incumbent on the applicant to demonstrate need for the service. The Panel hearing the matter concluded that Mr. Dolgov did not provide evidence of need. "He presented only three support certificates, little if any evidence and seemed to rely on his assertion that the licence should be granted and the public should be able to choose between carriers."
>
> The Panel also found that Mr. Dolgov had been operating without a motor carrier licence and this rendered him neither willing nor fit to provide a passenger service in British Columbia.
>
> ...in this case, the panel also found that the tariff proposed by Mr. Dolgov is well below industry standard and will not lead to safe, quality or permanent service. Therefore, the panel addressed the safety issue....this tariff would bring the applicant directly into competition with the licensed taxis in the area.
>
> I have concluded that the panel hearing the matter addressed the objects as set out in section 39(1) of the Motor Carrier Act and applied the law and commission policies properly.